

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

E.K. WADE,

Plaintiff,

v.

ELAINE CHAO, SECRETARY OF  
LABOR, ET AL.

Defendant.

No. C 08-00021 CRB

**[PROPOSED] ORDER GRANTING EX  
PARTE MOTION PURSUANT TO FED.  
R. CIV. P. 56(f)**

**ORDER**

It is hereby ordered that Plaintiff's Motion for Summary Judgment is DENIED without prejudice.

Dated:

\_\_\_\_\_  
CHARLES R. BREYER  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she is causing a copy of the following:

**[PROPOSED] ORDER GRANTING EX PARTE MOTION PURSUANT TO FED. R. CIV. P. 56(f)**

to be served this date upon the party in this action by placing a true copy thereof in a sealed envelope, and served as follows:

☒ **FIRST CLASS MAIL** by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.

☐ **PERSONAL SERVICE (BY MESSENGER)**

☐ **FEDERAL EXPRESS**

☐ **FACSIMILE (FAX)** Telephone No.: See Below

to the party(ies) addressed as follows:

E.K. Wade 542 North Civic Drive, Apt. D Walnut Creek, CA 94597		
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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on February 8, 2008 at San Francisco, California.

/s/  
CAROL E. WEXELBAUM  
Legal Assistant